

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7732

Petition of Cellco Partnership, d/b/a Verizon)
Wireless, for a certificate of public good, pursuant)
to 30 V.S.A. § 248a, for the installation of)
telecommunications facilities in the Town of)
Williston, Vermont)

Order entered: 6/3/2011

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the application filed on April 19, 2011, by Cellco Partnership, d/b/a Verizon Wireless ("Verizon Wireless" or the "Petitioner"), pursuant to 30 V.S.A. § 248a, and the Board's Procedures Order ("Procedures Order")¹, and grants the Petitioner a certificate of public good ("CPG") authorizing the installation of communications facilities located in the Town of Williston, Vermont.

II. BACKGROUND

This case involves a petition and prefiled testimony filed by the Petitioner on April 19, 2011, requesting that the Board issue a CPG, pursuant to 30 V.S.A. § 248a, authorizing the construction of communications facilities in the Town of Williston, Vermont ("the Project").

On May 12, 2011, the Department of Public Service ("Department") filed a letter recommending that the Board issue a CPG for the Project without further evidence or hearings. The Department also proposes that the Board require submission of final design and structural analysis for the Project as a condition of the CPG. No objections to the Department's request

1. *Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Order issued August 14, 2009.

have been filed with the Board; therefore, we will include this condition as part of the CPG issued in this proceeding.

No other comments or requests for hearing regarding the Project have been filed with the Board.

The Board has determined that the petition and prefiled testimony have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. The Project involves modification of an existing facility through the installation of additional antennas on an existing antenna support structure in the Town of Williston, Vermont. The modifications will improve and expand wireless telecommunications coverage within the surrounding area. Lanpher pf. at 2-3.

2. The Project facilities are proposed to be located in and around an existing farm silo at a farm located at 2738 North Williston Road in Williston, Vermont. Lanpher pf. at 1.

3. In order to install the additional antennas and equipment, the Petitioner will remove the existing 10-foot-tall steel silo dome on the approximately 60-foot-tall concrete silo, and replace it with a new fiberglass dome of the same size. The Petitioner will install 15 panel antennas mounted on a triangular frame inside the silo dome. Lanpher pf. at 3-4; Dreher pf. at 1-2, and exh. AD-1.

4. The Project includes the installation of a 12-foot by 24-foot by 10-foot-tall prefabricated equipment shelter, which will also house a generator, to the south of the silo and next to an existing barn and another carrier's equipment shelter. The new shelter will be elevated on concrete piers. A 1000-gallon underground propane tank will be installed south of the equipment shelter and three concrete bollards will be installed between the tank and the farm access. Dreher pf. at 2-3; exh. AD-1.

5. The modifications will not alter the height or width of the existing silo, nor will the Project result in permanent earth disturbance greater than 100 square feet. Findings 3-4, above; Dreher pf. at 1-3.

6. The Project will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 7 and 8, below.

7. The proposed installation of the facilities will not have an undue adverse effect on aesthetics when viewed in the overall context of the existing silo and farm buildings located at the site. Dreher pf. at 6-7.

8. The proposed installation of the facilities will not have undue adverse impacts to rare or irreplaceable natural areas or historic sites within the vicinity of the existing site where the Project will be located, because there will be minimal ground disturbance and because the new facilities will represent a barely discernable change from the existing facilities. Dreher pf. at 6-7.

IV. DISCUSSION and CONCLUSION

Pursuant to 30 V.S.A. § 248a(a):

Notwithstanding any other provision of law, if the applicant seeks approval for the construction or installation of telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence, the applicant may obtain a certificate of public good issued by the public service board under this section, which the board may grant if it finds that the facilities will promote the general good of the state consistent with subsection 202c(b) of this title. A single application may seek approval of one or more telecommunications facilities.

Pursuant to § 248a(j)(1), the Procedures Order defines a project of "limited size and scope" as a facility that:

(a) consists of an attachment to an existing structure that does not increase the height or width of the existing structure by more than twenty feet; or (b) does not exceed 135 feet in height and does not include road building or other earth

disturbance exceeding 100 square feet, other than a temporary road or earth disturbance associated with construction or installation activities.

Further, pursuant to Section (L) of the Procedures Order, regarding projects of "limited size and scope:"

Unless the Board determines that an application raises a substantial issue, it shall issue a final determination on an application within 45 days of its filing

The proposed Project will consist of attachments to an existing structure that will not increase the height or overall width of the structure and will not result in less than 100 square feet of earth disturbance associated with Project installation at the existing site. Therefore, the Project qualifies as a facility of "limited size and scope" as defined in the Board's Procedures Order governing the installation of wireless telecommunications facilities. The Procedures Order provides that the Board, in its review of facilities of "limited size and scope," conditionally waives all criteria under 30 V.S.A. § 248a(c)(1), with the exception of 10 V.S.A. § 6086(a)(8) (aesthetics, historic sites, rare and irreplaceable natural areas).

Based upon all of the above evidence, the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248a, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of communications facilities at the location specified in the above findings, by Cellco Partnership, d/b/a Verizon Wireless, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 3rd day June, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: June 3, 2011

ATTEST: s/Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.